

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

**CODY ROBERT CUMMINGS,
#1115212,**

Plaintiff,

VS.

**BEXAR COUNTY SHERIFF JAVIER
SALAZAR, BEXAR COUNTY JAIL
and CITY OF SAN ANTONIO,**

Defendants.

CIVIL NO. SA-19-CV-0871-OLG(ESC)

ORDER

Before the Court is Plaintiff Cody Robert Cummings' Motion to Proceed *in Forma Pauperis* ("IFP") [#2] and Civil Rights Complaint [#1]. Plaintiff is currently incarcerated at the Bexar County Adult Detention Center in San Antonio, Texas. After review of Plaintiff's IFP application, the Court has determined his request to proceed IFP [#2] is **GRANTED**. The Plaintiff's Complaint [#1] is accepted for filing without prepayment of fees, costs, or security.

The United States Clerk of Court (“the U.S. Clerk”) is directed to mail a copy of this Order to the Custodian of the Texas Department of Criminal Justice (“TDCJ”) Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342.

Even though Plaintiff is not required to prepay his filing fees, a prisoner who brings a civil lawsuit IFP is subject to paying an initial partial filing fee, and thereafter, monthly payments until the total \$350.00 filing fee is paid in full. These payments will be automatically processed by Plaintiff's custodial institution.

I. Initial Partial Filing Fee

The Court is required to “assess and, when funds exist, collect,” an initial partial filing fee of “20 percent of the greater of the average monthly deposits to the prisoner’s account; or the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint.” *See* 28 U.S.C. § 1915(b)(1)(A)(B).

In this case, the Court has assessed Plaintiff must pay an initial partial filing fee of \$0.

II. Remaining Filing Fee Monthly Deductions

“After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account.” 28 U.S.C. § 1915(b)(2). “The agency having custody of the prisoner shall forward payments from the prisoner’s account to the U.S. Clerk [of Court, 655 E. César E. Chávez Bld., Room G65, San Antonio, Texas 78206, referencing the case number in the style of this Order] each time the amount in the account exceeds \$10 until the filing fees are paid.” *Id.*

SIGNED this 5th day of August, 2019.



ELIZABETH S. ("BETSY") CHESTNEY
UNITED STATES MAGISTRATE JUDGE